IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JONATHAN LEE RICHES,	§	
	§	
V.	§	CIVIL ACTION 4:07-CV-616-A
	§	
SAMI AMIN AL-ARIAN, et al.	§	

ORDER AND NOTICE OF DEFICIENCY
(With special instructions to the Clerk of Court)

On October 16, 2007, Bureau of Prisons inmate-plaintiff Jonathan Lee Riches (BOP # 40948-018) submitted a civil complaint, the case was given the above referenced cause number, assigned to the Honorable John H. McBryde, and referred to the undersigned.

Although the Prison Litigation Reform Act (PLRA) does allow a prisoner to bring a civil action[1] without *prepayment* of fees or security, a prisoner is required to "pay the full amount of a filing fee." 28 U.S.C.A. § 1915(b)(1)(West 2006). In order to obtain this payment, the Court is first required to assess and collect an initial partial filing fee. *See* 28 U.S.C. §1915(b)(1). The statute further requires prisoners thereafter to pay the balance of the full filing fee. The statute also requires a prisoner to provide to the Court both an affidavit and a certificate of inmate trust account, and Riches has failed to do so.

Furthermore, the Court notes that Riches has not presented his action on the proper form as required by the miscellaneous orders of this Court.[2] Thus, he has failed to provide answers to important questions, and failed to acknowledge sanctions warnings that are included in the form. Plaintiff must correct this deficiency by providing a properly completed complaint form, including providing information about any prior lawsuits and relating to the exhaustion of the administrative grievance procedures regarding the claims made the basis of this case.

[1]Any party instituting any civil action (including an action for a TRO or injunctive relief) is required to pay a filing fee of $350.00. *See* 28 U.S.C.A. § 1914(a)(West Supp. 2006). As a part of the Deficit Reduction Act of 2005 signed February 8, 2006, 28 U.S.C. § 1914 was amended by striking "250" as the filing fee amount and inserting "350." Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4 (Feb 8, 2006).

[2]Miscellaneous Order No. 14 requires complaints filed in this district by a state or federal prisoners alleging civil rights violations to be submitted on the complaint form attached hereto.

Dockets.Justia.com

It is therefore ORDERED that the Clerk of the Court shall take the following indicated action:

(X) A copy of this order shall be mailed to Plaintiff. No further process shall issue except upon order of the Court.

(X) A form application to proceed in forma pauperis and certificate of inmate trust account, with the cause number thereon, shall be mailed to Plaintiff for completion and return to the clerk of Court within the time set forth below.

(X) A prisoner civil complaint form, with the cause number thereon, shall be mailed to plaintiff for completion and signature, and then return to the clerk of Court within the time set forth below.

It is further **ORDERED** that plaintiff shall cure each aforementioned deficiency within thirty (30) days of the date of this order. Failure to comply with this order could result in the dismissal of this action without further notice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SIGNED October 17, 2007.

/s/ Charles Bleil
CHARLES BLEIL
UNITED STATES MAGISTRATE JUDGE